

C.A. No. 8:12-CV-3768-JFM

THIS MATTER came before this Court on the Motion of the Plaintiff Ally Financial Inc., formerly known as GMAC Inc., successor-in-interest to GMAC LLC and General Motors Acceptance Corporation (“Ally Financial”) and Ally Bank (“Ally Bank”) (Ally Financial and Ally Bank are collectively referred to as “Ally” or “Plaintiffs”), for a Default Judgment against the Defendant, Max Lipman (“Lipman”). In addition, or, in the alternative, Ally moved, pursuant to Fed. R. Civ. P. 56, for summary judgment against Lipman.

In addition, Ally moved, pursuant to Fed. R. Civ. P. 65, for entry of an injunction against alienation of all real property, any trust interests, and all personal property in excess of ordinary living expenses, owned by Lipman, wherever located.

IT APPEARING that Ally filed the Complaint in this matter on December 24, 2012 and an Amended Complaint on December 26, 2012, and that the Amended Complaint and the supporting documents attached thereto were served upon the Defendant on December 27, 2012; and

IT FURTHER APPEARING that a period of more than twenty-one (21) days has passed since the service of the Amended Complaint with no answer or other responsive pleading having been filed by the Defendant; and

IT FURTHER APPEARING that Ally's Amended Complaint and supporting documents establish the bases for this Court to exercise personal jurisdiction over the Defendant and establish the liability of the Defendant for damages in the amount of \$3,415,110.00, plus, attorneys' fees in and costs; and

IT FURTHER APPEARING that in accordance with Rule 55 of the Fed. R. Civ. P., Ally is entitled to entry of a judgment by default against the Defendant; it is therefore:

ORDERED that judgment be entered, by default, in accordance with Rule 55, in favor of the Plaintiff, Ally, against the Defendant, Lipman, in the principal amount of \$3,415,110.00, plus interest, costs, and attorneys' fees in an amount to be submitted to and approved by the Court.

In addition, IT APPEARING that Defendant Arena Motor Group, LLC, having admitted being in default of its loan obligations to Ally; and

IT FURTHER APPEARING that there is no dispute that Lipman personally guaranteed the debts for which Arena Motor Group, LLC, has admitted being in default, it is therefore:

ORDERED that summary judgment be entered, in accordance with Rule 55, in favor of the Plaintiff, Ally, as to liability and damages.

In addition, FOR GOOD CAUSE SHOWN, it is hereby:

ORDERED that Defendant Lipman, is enjoined from transferring, or alienating,

- (1) real property, owned by Lipman, wherever located;
- (2) any beneficial interest in trust(s) owned, in favor of, or on behalf of Lipman, wherever located; and
- (3) personal property in excess of funds necessary for ordinary living expenses, owned by Lipman, wherever located, included any interest Lipman may have in the 11925 LLC.

This Order remains in effect until such time as the judgment against Lipman in favor of Ally has been satisfied in full.

ENTERED this <sup>30th</sup> day of July, 2013.

  
J. Frederick Motz

FILED  
U.S. DISTRICT COURT  
DISTRICT OF OREGON  
2013 JAN 30 PM 3:40  
CLERK OF COURT